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Attorneys for Plaintiff  
CHIQUITA FRESH NORTH AMERICA, L.L.C.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHIQUITA FRESH NORTH AMERICA,  
L.L.C.,

Plaintiff,

v.

GREENE TRANSPORT COMPANY; JOHN  
GREENE LOGISTICS COMPANY; and  
DOES 1 through 20, inclusive,

Defendants.

No. C-11-06683-DMR

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND EXPERT  
DEPOSITION DEADLINES**

**RECITALS**

1. On June 26, 2013 (in Docket Item No. 77), this Court set the following schedule for expert discovery: Plaintiff's expert disclosure and report due July 15, 2013 and completion of expert discovery on September 12, 2013;

2. Since that time, Plaintiff served its rebuttal expert disclosure report on July 15, 2013 on the subject of its alter ego claim against Defendant John Greene Logistics Company (JGLC). Collectively there are three experts (two for JGLC and one for Plaintiff) on the subject of this

1 alter ego claim. The only remaining expert discovery needed is for these three experts to be  
2 deposed.

3 3. For the past month, counsel for Plaintiff and JGLC have been working on the briefs  
4 (respectively) in support and in opposition to Plaintiff's Motion for Contract Damages (Docket  
5 Item No. 72) that was originally set for hearing on August 22, 2013, but recently continued by  
6 the Court to October 10, 2013 (Docket Item No. 83).

7 4. Simultaneously, counsel for Plaintiff and JGLC have been working to assist their  
8 respective Florida counterparts in the Greene/Holtzapple wrongful death litigation with their  
9 mediation set to take place on August 19, 2013.

10 5. Given the activity on this case and the fact that our current expert deposition deadlines  
11 require us to complete expert depositions in the next few weeks, counsel for Plaintiff and JGLC  
12 join in this request for a continuance of the expert deposition deadline to November 8, 2013.

13 6. Given the current trial date of April 28, 2014 (set at the June 20, 2013 Case Management  
14 Conference), Plaintiff and JGLC respectfully submit that this continuance will not interfere with  
15 any existing dates in this case or with the schedule for pre-trial submissions.

16 7. Although counsel for Defendant Greene Transport Company is not presenting or  
17 deposing these experts, he joins in this request;

18 8. Based on the foregoing, all parties believe there is good cause to continue the deadline  
19 for completion of expert depositions from September 12, 2013 to November 8, 2013;

20 Accordingly, the parties HEREBY STIPULATE as follows:

21 **STIPULATION**

22 1. The deadline for completion of expert depositions from September 12, 2013 to  
23 November 8, 2013.

24 ///

25 ///

26 ///

1 DATED: August 14, 2013

BURNHAM BROWN

2  
3  
4 By: /s/  
5 ROBERT M. BODZIN  
6 RAYMOND A. GREENE, III  
7 ROBERT M. BODZIN  
8 Attorneys for Plaintiff  
9 CHIQUITA FRESH  
10 NORTH AMERICA, L.L.C.

11 DATED: August 14, 2013

LOW BALL & LYNCH

12 By: /s/  
13 MARK F. HAZELWOOD  
14 DIRK D. LARSEN  
15 Attorneys for Defendant  
16 GREENE TRANSPORT COMPANY

17 DATED: August 14, 2013

PHILLIPS, SPALLAS & ANGSTADT

18 By: /s/  
19 TODD ANGSTADT  
20 ELISA RHEIN MARCALETTI  
21 Attorneys for Defendant  
22 JOHN GREENE LOGISTICS COMPANY  
23  
24  
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27  
28

~~PROPOSED~~ ORDER

1. The deadline for completion of expert depositions from September 12, 2013 to November 8, 2013.

IT IS SO ORDERED.

DATED: August 14, 2013



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DONNA M. RYU  
United States Magistrate Judge

4827-8768-4885, v. 1